

AMENDED IN ASSEMBLY AUGUST 24, 2006

**SENATE BILL**

**No. 1396**

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**Introduced by Senator Denham**

February 22, 2006

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An act to *amend Section 19518 of, and to add Section 19461.1 to,* the Business and Professions Code, relating to horse racing.

LEGISLATIVE COUNSEL'S DIGEST

SB 1396, as amended, Denham. Horse racing: licensing.

Existing law sets forth procedures for the application and granting of a license to conduct horse racing meetings.

This bill would state that the withdrawal of an application for a license shall not deprive the California Horse Racing Board of its authority to institute or continue a proceeding against the applicant for the denial of the license upon any lawful grounds, or to enter an order denying the license. The bill would state that the suspension, expiration, or forfeiture of a license issued by the board shall not deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee, as specified.

*Existing law requires the board to contract with persons licensed as stewards to perform the duties of stewards at horse racing meets. Under existing law, Stewards and other racing officials, while performing their official duties, are entitled to the same rights and immunities granted to public employees. Stewards are not civil service employees.*

*This bill would similarly require the board to contract for official veterinarians.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 19461.1 is added to the Business and Professions Code, to read:

19461.1. (a) The withdrawal of an application for a license after it has been filed with the board shall not, unless the board has consented in writing to the withdrawal, deprive the board of its authority to institute or continue a proceeding against the applicant for the denial of the license upon any ground provided by law, or to enter an order denying the license upon any of those grounds.

(b) The suspension, expiration, or forfeiture by operation of law of a license issued by the board, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law, or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any of those grounds.

SEC. 2. Section 19518 of the Business and Professions Code is amended to read:

19518. (a) (1) The board shall contract with persons licensed as stewards pursuant to this article to perform the duties of stewards at horse racing meets. *The board shall also contract with licensed veterinarians pursuant to this article to perform the duties of official veterinarians at horse racing meets.* Contracts shall be upon any terms that the board ~~and~~, the stewards, *and the official veterinarians* may mutually agree upon and may contain different rates of compensation based upon the experience of the steward *or official veterinarian*.

(2) The board shall establish a committee of at least two board members to meet at least quarterly with representatives of the stewards, so that recommendations of the stewards can be discussed as necessary. These meetings may be scheduled the same day as regular board meetings or at the convenience of the board. Representatives of associations may attend and participate in these meetings, or portions thereof, when items directly affecting the associations are discussed.

1 (3) The board shall provide remuneration, including any fringe  
2 benefits, to stewards, to the official veterinarian, and for the costs  
3 of laboratory testing relating to horse racing.

4 (b) Stewards, *official veterinarians*, and other racing officials  
5 appointed or approved by the board, and while performing duties  
6 required by this chapter or by the board, shall be entitled to the  
7 same rights and immunities granted public employees by Article  
8 3 (commencing with Section 820) of Chapter 1 of Part 2 of  
9 Division 3.6 of Title 1 of the Government Code.

10 (c) The Legislature finds and declares that the services  
11 performed by stewards *and official veterinarians* at horse racing  
12 meetings are unique and cannot be performed adequately,  
13 competently, or satisfactorily by civil service personnel, and that  
14 the services cannot be adequately rendered by an existing public  
15 agency and do not duplicate the function of an existing public  
16 agency. Stewards *and official veterinarians* shall be personal  
17 service contractors of the board and shall not be civil service  
18 employees.